

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC

In the matter of:	)	
	)	
Standardized and Enhanced Disclosure	)	
Requirements for Television Broadcast Licensee	)	MM Docket No. 00-168
Public Interest Obligations	)	
	)	
Extension of the Filing Requirement	)	MM Docket No. 00-44
For Children's Television Programming	)	
Report (FCC Form 398)	)	

**COMMENTS OF COMMON FREQUENCY**

Common Frequency, Inc. ("CFI"), a nonprofit 501(c)(3) California corporation that exists to advocate for, assist, and educate new community, student, and alternative non-commercial, educational applicants here submits a comment concerning the *Order on Reconsideration and Further Notice of Proposed Rulemaking* ("FNPR") regarding Enhanced Disclosure.

**I. INTRODUCTION**

The Federal Communications Commission has asked for comments concerning steps that can be taken to modernize the way television broadcasters inform the public about how they are serving their communities. We believe that an online public file could streamline the way licensees provide important information about their operations, providing greater efficiency to the process. Throughout the FNPR it appears the FCC had received previous comments from petitioners claiming that these electronic means of posting information online may cause additional inefficiency and burden compared to a filing cabinet. This has been viewed as dubious by us. Nearly every other business matter in the modern world has been moved to computer for the added efficiency of operation. If a filing cabinet somehow provided greater efficiency, filing cabinets would

be ubiquitous over modern electronic data storage. CFI believes all data should be migrated to online depository. With the added time savings, additional station data could be included online while still being more efficient than the standard old public file.

#### **A. Commission Hosting An Online Public File**

CFI believes that the Commission should host an online public file similarly to how the Commission hosts the Consolidated Database System (CDBS). The FCC's CDBS has demonstrated efficiency and ease concerning FCC applications, providing an orderly way of submitting and storing filings for licensees. A FCC-hosted public file would standardize public file structure for all broadcast entities, allowing for a standard portal for citizens to access public interest materials. This would allow the data to be organized in a single database for searching. This would also remove licensees from the burden of developing new web interfaces and databases for their own information. CFI believes that each licensee should also keep a backup of their public files via a feature on the FCC website that could allow each participant an easy way to download their individual public files for localized archival purposes.

#### **B. Online Access**

The FCC stated two petitioners on reconsideration suggested that broadcasters should be permitted to limit online public files access to viewers within a station's geographic area.<sup>1</sup> We disagree. There is no valid reason why all citizens should not have access to this information.

#### **C. Transition**

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<sup>1</sup> FNPR para. 19

The FCC stated a reconsideration petitioner proposed reducing the burden on licensees by limiting the online public file to material generated after any new rules become effective.<sup>2</sup> CFI disagrees. Scanning paper documents is a rote process that can be affordably outsourced in a semi-automated process nowadays. There should be no extraordinary burden.

#### **D. Political File**

The FCC stated Public Airwaves Coalition “has argued that placing political file information online will reduce the burden on broadcasters, who often receive multiple daily in-person requests to access this information during an election season.” CFI full-heartedly agrees. We believe the FCC can help expedite the process of posting the political file by creating a standardized online form on the backend of the Commission-hosted site. This way, station employees could even log-in with mobile devices to disclose activity. Subfolders should be standardized (federal, state, local), with further input among broadcasters regarding the specific form. This system could offer broadcasters substantial savings over filling out paper forms and Xeroxing documents upon public request.

#### **E. Letters Online**

The FCC stated:

Several reconsideration petitioners asked that we also exempt e-mail from the posting requirement, arguing that requiring their inclusion raises privacy concerns. They asserted that posting emails from children online may result in violations of the Children’s Online Privacy Protection Act, which prohibits posting children’s personally identifiable information online... These petitioners also argued that the Commission oversimplified the costs of such a requirement, since station personnel would need to review and redact all emails to strip them of personally identifiable information before posting them.<sup>3</sup>

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<sup>2</sup> FNPR para. 20.

<sup>3</sup> FNPR para. 25.

The privacy concern eluded to above is exaggerated by broadcasters.

Broadcasters do not realize that it is now commonplace for members of the public to make comments on online newspaper articles, comment boards, blogs, consumer sites, social networking, etc. First, e-mail comments to the station can be standardized for all stations within a comment form on the FCC-hosted public file website. All electronic comments can be easily directed here. Even if someone e-mails station staff regarding a comment, it should be codified that all station personnel must direct commenters to the FCC e-comment site (or a hand-written letter) via a return email. Once at the FCC public file comment site, the commenter would be prompted to fill-in their first and last name, address, email address, and their comment. Within the electronic public file, the commenter's last name, address, and email address would then be automatically redacted from view at the front end of the public file. Only the person's first name and city would be listed, in addition to their comment, on the station's public file page. In addition, the person's IP address could be logged to flag commenting abuse under multiple aliases. Regarding privacy for minors, an optional box could be checked if the commenter is under 18 and does not want the comment to show up on the site. For all commenters, that same box could be available so that comment would not show up online. In all cases, the station would print out all these comments (posted and non-posted) *once a quarter* and put them in a physical public file with the complete names and addresses of everyone that has commented. The FCC would include a "print quarterly letters" button on the backend of the public file site to assist broadcasters with that endeavor. All snail mail letters would not be posted online (as an efficiency measure), but be kept in a physical public file at the station with the printed quarterly letters. We believe this system would be more efficient than the station collecting individual emails and printing them out for the physical public file. In fact, the whole

system is automated except for snail mail, and printing out a monthly cache of online electronic comments every quarter.

#### **F. Program Lists**

Although the FCC intends to deal with this in a separate rule-making, CFI believes the program list is essential to the online public file. It is important that the online program list not be a summary of the public-interest programming for the quarter, but a program-by-program description. CFI believes that this system is more efficient for broadcasters, citing the following logic: Broadcasters already have a program descriptions log that they provide TV Guide, satellite operators, etc, and their own program information schedules for viewers. Broadcasters can readily import each program description into the public file without further editing—it is a generic process that could be semi-automated. If a quarterly summary is required, broadcasters will need to hire an editor to summarize the programs and issues broadcasted every quarter as an added expense.

#### **G. Complaints and FCC Orders**

FCC should require the licensee to post all materials relating to complaints, petitions (reconsideration, petitions to deny, etc), indecency, and FCC orders (forfeiture, notices of apparent liability, etc). The public has a right to know how a broadcaster is conducting business. However, the broadcaster should be able to explain its point of view within the public file for each allegation that is pending, as the allegation could be untrue.

#### **H. Main Studio Information and Further Disclosure**

Broadcasters should publish their main studio locations, phone number, email, and station contacts within the electronic public file. Studio location disclosure used to

be commonly detailed on-air in broadcast-day sign-offs. Since there is the possibility of the final iteration of the online public file not including all the contents of the public file, citizens should have the information needed to visit the station. In addition, all sponsors and dollar amounts should be listed in the online file.

### **I. Standardization**

Information within the Commission online public file depository should be able to be downloaded within database files much like the CDBS already is.

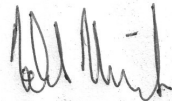
### **J. Announcements**

CFI believes the public should be aware of the existence of the public file. It would not be a burden for the broadcaster to run one announcement a week disclosing the fact. This announcement would be run alternating between 6am to noon, and 3pm to 9pm, with specific non-burdensome script. General announcement time windows should be stipulated because broadcasters would just relegate the announcement to 3am Sunday morning if they have the option. In addition, the public file link should be stipulated to be on the front page of the station's website.

## **II. CONCLUSION**

CFI believes that pursuing the points listed above will save time for television broadcasters when preparing public files with the addition of offering superior disclosure to the public.

Respectfully Submitted,



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